

## DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **UNIT DOSAGE FORMS FOR THE TREATMENT OF HERPES SIMPLEX** the specification of which      is attached hereto or X was filed on September 15, 1999 as Application No. 09/396,019 and was amended on                      (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

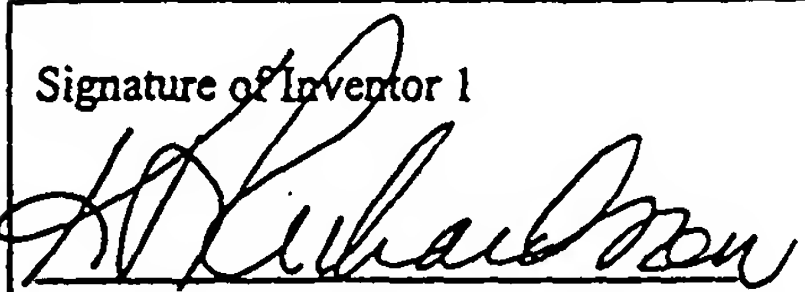
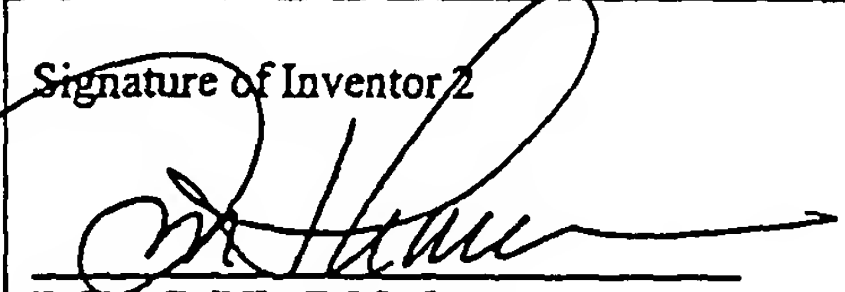
Application No.	Filing Date
60/101,308	September 21, 1998

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Last Name: <b>RICHARDSON</b>	First Name: <b>KENNETH</b>	Middle Name or Initial: <b>T.</b>	
Residence & Citizenship:	City: <b>Anchorage</b>	State/Foreign Country: <b>Alaska</b>	Country of Citizenship: <b>U.S.A.</b>	
Post Office Address:	Post Office Address: <b>6411 Switzerland Drive</b>	City: <b>Anchorage</b>	State/Country: <b>Alaska</b>	Postal Code: <b>99516</b>
Full Name of Inventor 2:	Last Name: <b>PEARSON</b>	First Name: <b>DON</b>	Middle Name or Initial: <b>C.</b>	
Residence & Citizenship:	City: <b>Lakewood</b>	State/Foreign Country: <b>Washington</b>	Country of Citizenship: <b>U.S.A.</b>	
Post Office Address:	Post Office Address: <b>6708 Bridgeport Way West</b>	City: <b>Lakewood</b>	State/Country: <b>Washington</b>	Postal Code: <b>98499</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2 
KENNETH T. RICHARDSON	DON C. PEARSON
Date 12 Nov 1999	Date 30 Oct 99

SF 1027206 v1

POWER OF ATTORNEY BY ASSIGNEE

ChronoRX, LLC is the Assignee of the invention entitled: UNIT DOSAGE FORMS FOR THE TREATMENT OF HERPES SIMPLES, the specification of which \_\_\_\_\_ is attached hereto or X was filed on September 15, 1999 as Application Serial No. 09/396,019.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

M. Henry Heines, Reg. No. 28,219  
William B. Kezer, Reg. No. 37,369  
Joseph R. Snyder, Reg. No. 39,381  
Jeffrey S. Mann, Reg. No. 42,837

Send Correspondence to:  
M. Henry Heines  
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, CA 94111-3834

Direct Telephone Calls to:  
(Name, reg. no., tele. no.)  
  
M. Henry Heines  
Reg. No.: 28,219  
(415) 576-0200

Date: 12 Nov 1999

ChronoRX, LLC

By: 

(Signature)

Name: KENNETH T. RICHARDSON

Title: PRESIDENT

CHRONO RX, LLC

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: Kenneth T. Richardson and Don C. Pearson  
 Application or Patent No.: 09/396,019  
 Filed or Issued: September 15, 1999  
 Title: UNIT DOSAGE FORMS FOR THE TREATMENT OF HERPES SIMPLEX

I hereby declare that I am:

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☒

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: ChronoRX, LLC  
 Address of Small Business Concern: Box 112207  
Anchorage, Alaska 99511

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **DOSAGE FORMS FOR THE TREATMENT OF THE CHRONIC GLAUCOMAS** by inventor(s) **Kenneth T. Richardson and Don C. Pearson** described in:

☐  
☒  
☐

the specification filed herewith.  
 Application No. 09/372,362, filed August 11, 1999  
 Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name \_\_\_\_\_  
 Address \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name \_\_\_\_\_  
 Address \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Kenneth T. Richardson  
 Title of Person if Other than Owner: President  
 Address of Person Signing: 6411 SWINTERLAND DRIVE  
ANCHORAGE ALASKA

Signature [Signature]

Date 12 Nov 1999

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Kenneth T. Richardson, a citizen of the U.S.A. residing at 6411 Switzerland Drive, Anchorage, Alaska, 99516, and Don C. Pearson, a citizen of the U.S.A. residing at 6708 Bridgeport Way West, Lakewood, Washington 98499, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:           UNIT DOSAGE FORMS FOR THE TREATMENT OF  
HERPES SIMPLEX

Date(s) of execution of Declaration:

Filing Date:                 September 15, 1999

Application No.:           09/396,019                                 ; and

WHEREAS, ChronoRX, LLC, a limited liability company of Alaska with an address of Box 112207, Anchorage, Alaska 99511, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

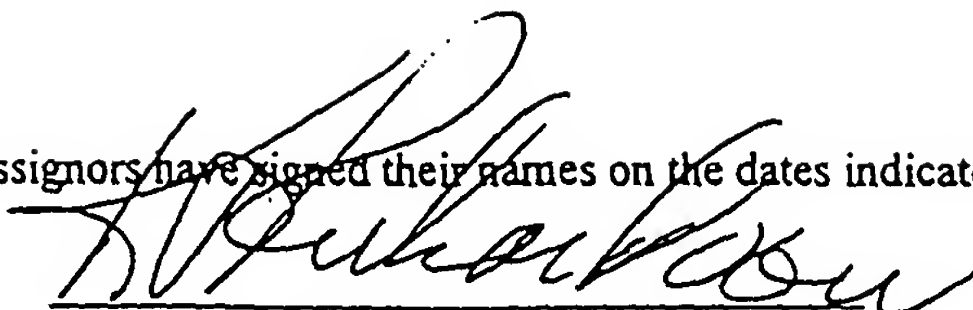
For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 12 Nov 1999

  
Kenneth T. Richardson

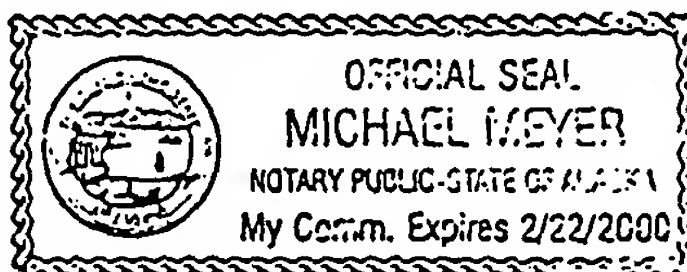
Alaska  
STATE OF ~~CALIFORNIA~~ )  
City )  
COUNTY OF Anchorage )

ss.

On 11/12/99, before me, Michael Meyer, personally appeared  
Kenneth T. Richardson, personally known to me (or proved to me on the basis of satisfactory evidence)  
to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed  
the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon  
behalf of which the person acted, executed the instrument.


WITNESS my hand and official seal.

  
NOTARY PUBLIC



My Commission Expires: 02-22-2000

Dated: 30 Oct 99

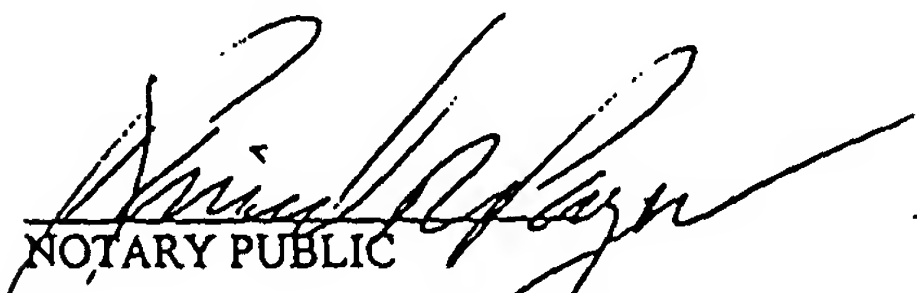
  
Don C. Pearson

STATE OF ~~CALIFORNIA~~ )  
WASHINGTON )  
COUNTY OF Pierce )

ss.

On October 30, 1999, before me, Daniel R. Papenke, personally appeared  
Don C. Pearson, personally known to me (or proved to me on the basis of satisfactory evidence)  
to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed  
the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon  
behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

  
NOTARY PUBLIC  
My Commission Expires: 10/31/00